

REMARKS

Claims 4, 6, 8-10, 12-20 and 26-34 were acted upon in the aforesaid Office Action. Claims 26, 27, 30 and 33 have been canceled, and claims 4, 6, 10, 12, 15-20, 28, 31 and 34 have been allowed, leaving claims 8, 9, 13, 14, 29 and 32 for further consideration.

Claim 8 stands rejected under 35 U.S.C. 102(e) as being anticipated by Rieser et al. (6,387,129). Claim 8 has been amended to limit the fixation screw to having a "proximal end comprising no more than one generally annular end surface entirely disposed in a single plane". As noted by Examiner, the corresponding surface of Rieser includes a major planar surface and a smaller surface, the two surfaces intersecting at reference number 26. It appears that showing the two surfaces was not inadvertent, inasmuch as Rieser refers to (col. 4, lines 7 and 8) the "back end 26 of the screw" and the reference numeral 26 lead line goes directly to the ridge separating the two surfaces. It is a little confusing because the screw "back end 26" and the "front end 28 of the screw" are shown in FIG. 4 as both being at one end. At col. 4, line 15, there is reference to "front end 30". However, it does appear that the end 26, 28 is intended to have two surfaces. A surface similar to the one in question is shown in FIG. 1 as "back end" surface 8. Claim 8 has been amended to limit the proximal end of the screw to "no more than one generally annular end surface" to distinguish over the two end surfaces of Rieser.

Applicant has changed "annular" to "generally annular" because while the end surface would be annular in end view along the axis of the screw, in end view normal to the end surface the

surface might appear slightly elliptical, depending upon the size of the screw.

It is believed that claim 8 distinguishes from Rieser, and allowance thereof is most respectfully requested.

Claim 9 depends from claim 8 and is believed to be allowable by way of dependency.


Claim 13 has been amended similarly to claim 8, and claim 14 depends from claim 13.

Claims 29 and 32 have been amended similarly to claim 8.

It therefore appears that claims 8, 9, 13, 14, 29 and 32 have been rendered allowable and such action is most respectfully requested.

In the event that any additional fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Respectfully submitted,



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